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38
UNITED STATES DISTRICT COURT
 39
NORTHERN DISTRICT OF CALIFORNIA

40
 41 MARIN SCOTTY'S MARKET, INC.,
 42 individually and on behalf of all others
 43 similarly situated,

44 Plaintiff,
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 46 v.
 47
 48 REDDY ICE HOLDINGS, INC.; ARCTIC
 49 GLACIER INCOME FUND; ARCTIC
 50 GLACIER, INC.; ARCTIC GLACIER
 51 INTERNATIONAL, INC.; and HOME CITY
 52 ICE COMPANY,

53 Defendants.

54 Case No. 08-CV-01486-MMC

55 Judge Maxine M. Chesney

56 **STIPULATION TO EXTEND TIME
 57 TO ANSWER, MOVE, OR
 58 OTHERWISE RESPOND**

59
 60 WHEREAS the complaint in this action was filed on or about March 17, 2008 ("the
 61 Action");

62 WHEREAS the Plaintiff has requested that certain Defendants waive service of process

1 pursuant to Rule 4 of the Federal Rules of Civil Procedure;

2 WHEREAS various other Plaintiffs have filed and may file complaints in this and other
 3 judicial districts relating to the subject matter of the Action, including those set forth on Exhibit A
 4 attached hereto and any subsequent or parallel proceedings regarding the subject matter of the
 5 Action (together with the Action, the “Related Actions”);

6 WHEREAS certain of the Plaintiffs in the Related Actions have filed motions (the “MDL
 7 Motions”) with the Judicial Panel on Multidistrict Litigation (the “JPML”), pending under the
 8 JPML docket captioned *In re: Packaged Ice Antitrust Litigation*, MDL Docket No. 1952, seeking
 9 an order centralizing the Related Actions in a single federal judicial district for coordinated and
 10 consolidated pretrial proceedings;

11 WHEREAS Plaintiffs in the Related Actions anticipate the possibility of filing a
 12 Consolidated Amended Complaint; and

13 WHEREAS Plaintiff and Defendants Reddy Ice Holdings, Arctic Glacier Income Fund,
 14 Arctic Glacier, Inc., Arctic Glacier International Inc., Arctic Glacier California, Inc., and Home
 15 City Ice Company (“Defendants”) agree that an orderly schedule for any response to the
 16 pleadings in the Related Actions would be more efficient for the parties and for the Court.

17 NOW, THEREFORE, PURSUANT TO LOCAL RULE 6-1(a), IT IS HEREBY
 18 STIPULATED AND AGREED by and between the Plaintiff and the Defendants in the Action, by
 19 and through their undersigned counsel or counsel acting on their behalf, that the Defendants’ time
 20 to answer, move, or otherwise plead in response to the complaint in the Action is extended until
 21 the earlier of (i) 45 days after the filing of a Consolidated Amended Complaint or whatever other
 22 deadline is set by the transferee court, in the event the JPML grants the MDL Motions or (ii) 45
 23 days after service of the JPML’s decision on the MDL Motions or whatever other deadline is set
 24 by Judge Chesney, in the event the JPML denies the MDL Motions; provided, however, that, in
 25 the event that any undersigned Defendant should agree or be ordered to answer, move or
 26 otherwise respond in any other Related Action prior to the above deadlines, then that Defendant
 27 shall respond to the Complaint in this Action by that earlier date.

28 IT IS HEREBY FURTHER STIPULATED AND AGREED that the entry into this

1 stipulation by the Defendants shall not constitute a waiver of any defenses except for
2 insufficiency of process or insufficiency of service of process as to the Action. For the avoidance
3 of doubt, the Defendants expressly preserve and do not waive any other defenses, including, but
4 not limited to, the defenses of lack of personal jurisdiction, lack of subject matter jurisdiction, or
5 improper venue. The Defendants expressly reserve their rights to raise any such defenses in
6 response to either the current complaint or any amended complaint that may be filed relating to
7 the Action.

8 IT IS HEREBY FURTHER STIPULATED AND AGREED that Reddy Ice Holdings,
9 Arctic Glacier Income Fund, Arctic Glacier, Inc., Arctic Glacier International Inc., Arctic Glacier
10 California, Inc., and Home City Ice Company, agree, pursuant to Rule 4 of the Federal Rules of
11 Civil Procedure, to waive service of process of the summons and complaint in the Action only.
12 Nothing in this paragraph shall obligate any Defendant to answer, move or otherwise respond to
13 any complaint until the time provided in the preceding paragraphs.

14
15 Dated: April 14, 2008

16 By: /s/ Lauren C. Russell
17 Mario N. Alioto
Lauren C. Russell

18 *Attorneys for Plaintiff Marin Scotty's
Market, Inc.*

19
20 Dated: April 14, 2008

JONES DAY

21
22 By: /s/ Paula Render
Paula Render

23 *Attorney for Defendants Arctic Glacier
Income Fund, Arctic Glacier, Inc., Arctic
Glacier International, Inc., & Arctic Glacier
California, Inc.*

1 Dated: April 14, 2008

DLA PIPER US LLP

6 Dated: April 14, 2008

7 HOGAN & HARTSON

8 By: /s/ James R. Nelson
9 James R. Nelson

10 *Attorney for Defendant Reddy Ice Holdings,
11 Inc.*

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EXHIBIT A: Schedule of Actions

Case Captions	Court	Civil Action No.	Judge
Plaintiff: Valencia Defendants: Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	District of Kansas	2:08-cv-2138	Carlos Murguia
Plaintiff: Ridge Plaza, Inc. Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-657	James M. Rosenbaum
Plaintiff: Mall Mart, Inc., d/b/a Midway BP Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-663	James M. Rosenbaum
Plaintiff: The Baron Group, Inc. d/b/a Baron's Ice House Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-670	James M. Rosenbaum
Plaintiff: Kozak Enterprises, Inc. Defendant: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-704	James M. Rosenbaum
Plaintiff: Solid Waste LTD., Inc., d/b/a Bayland Marina Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-713	James M. Rosenbaum
Plaintiff: Thrifty Liquor, Inc. Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-777	James M. Rosenbaum

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Case Captions	Court	Civil Action No.	Judge
Plaintiff: Chukrid Khorchid, d/b/a 7-Eleven Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-809	James M. Rosenbaum
Plaintiff: G.M. Food & Fuel, LLC, d/b/a G.M. Food & Gas Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-826	James M. Rosenbaum
Plaintiff: Public Foods, Inc. Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Inc.; Arctic Glacier International Inc. and Home City Ice Company	District of Minnesota	0:08-cv-862	John R. Tunheim
Plaintiff: Thomas Beverage Co., Inc. Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-863	Ann D. Montgomery
Plaintiff: Firdous d/b/a TFS, Inc. a/k/a All Stop #2 Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-1020	Patrick J. Schiltz
Plaintiff: Meleen Corp. db/a Meleen Sporstman Store Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	District of Minnesota	0:08-cv-1025	John Tunheim
Plaintiff: F&V Oil Company Inc, Lansdale Oil Company, Inc., and VB & FS Oil Company Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11152	Paul D. Borman

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Case Captions	Court	Civil Action No.	Judge
Plaintiff: S&S Lima, Inc., d/b/a Dry Rum Beverage Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company; John Does I-X	Eastern District of Michigan	2:08-cv-11182	Paul D. Borman
Plaintiff: Silver Springs Liquor, Inc. Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11200	Arthur J. Tarnow
Plaintiff: Elite Energy, LLC Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier international, Inc.; Reddy Ice Holdings, Inc.	Eastern District of Michigan	2:08-cv-11201	Paul D. Borman
Plaintiff: Melrick, Inc., d/b/a North Main Short Stop Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11204	Lawrence P. Zatkoff
Plaintiff: RSB Wellman, Co. Inc., d/b/a Twig's Carry Out Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company; John Does I-X	Eastern District of Michigan	2:08-cv-11213	Sean F. Cox
Plaintiff: Joseph Krainc, d/b/a Joe's Beer Distributor Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:05-cv-11238	Avern Cohn
Plaintiff: Circle Beer & Beverage, Inc. d/b/a Duffy's Pop & Beer Warehouse Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	5:08-cv-11293	John Corbett O'Meara
Plaintiff: Mazel LLC Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11315	David M. Lawson

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Case Captions	Court	Civil Action No.	Judge
Plaintiff: Y & R's, Inc. Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11316	Bernard A. Friedman
Plaintiff: Linco Distributing Co. d/b/a Beer Minimum Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11330	Arthur J. Tarnow
Plaintiff: 823 Sproul, Inc. d/b/a Sproul Beverage Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11345	Bernard A. Friedman
Plaintiff: Blue Ash Service Center, Inc. Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company; John Does I-X	Eastern District of Michigan	2:08-cv-11387	Avern Cohn
Plaintiff: Higginbotham Oil Company, Inc. Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	4:08-cv-11400	Paul V. Gadola
Plaintiffs: Polly's Food Service, Inc. and Kenco, Inc. Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11420	Lawrence P. Zatkoff
Plaintiff: Tomino D/B/A Crafton Beverage Center Defendant: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	4:08-cv-11438	Paul V. Gadola
Plaintiff: Springfield Exxon LLC Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11561	Sean F. Cox

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Case Captions	Court	Civil Action No.	Judge
Plaintiff: Roberta Wooten d/b/a Wooten's One Stop Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Eastern District of Michigan	2:08-cv-11575	Denise Page Hood
Plaintiff: Marin Scotty's Market, Inc. Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Glacier International, Inc.; Home City Ice Company	Northern District of California	3:08-cv-1486	Maxine M. Chesney
Plaintiff: Chi-Mar Enterprises, Inc. Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company, Inc.	Northern District of Ohio	1:08-cv-657	Kathleen M. O'Malley
Plaintiff: Fu-Wah Mini Market Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Northern District of Ohio	1:08-cv-666	Kathleen M. O'Malley
Plaintiff: Warrington Fuels, Inc. Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Funds; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company, Inc.	Northern District of Ohio	1:08-cv-692	Kathleen M. O'Malley
Plaintiff: Marchbank's Travel Service Inc., d/b/a Bear Mountain Travel Stop Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier; Arctic Glacier International, Inc.; Home City Ice Company	Northern District of Ohio	1:08-cv-695	James S. Gwin
Plaintiff: Juniata Mobil Defendants: Reddy Ice Holdings, Inc., Arctic Glacier, Inc., Arctic Glacier International Inc. and Home City Ice Company	Northern District of Ohio	1:08-cv-859	Donald C. Nugent

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Case Captions	Court	Civil Action No.	Judge
Plaintiff: Five Angels Management, d/b/a Frank A. Smith Beverages Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.	Northern District of Texas	3:08-cv-480	Jorge A. Solis
Plaintiff: Massino Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.	Northern District of Texas	3:08-cv-496	Sidney A. Fitzwater
Plaintiff: Blasingame Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Northern District of Texas	3:08-cv-498	Jane J. Boyle
Plaintiff: Emmanuel d/b/a 7-11 25452 Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	Northern District of Texas	3:08-cv-507	Ed Kinkeade
Plaintiff: DiFabritiis 7-11 Food Store #24428 Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Inc.; Arctic Glacier International Inc. and Home City Ice Company	Northern District of Texas	3:08-cv-512	Sidney A. Fitzwater
Plaintiff: Rick Drontle d/b/a Ponytail Catering Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.	Northern District of Texas	3:08-cv-536	Jane J. Boyle
Plaintiff: Wilson Farms, Inc. Defendants: Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	Northern District of Texas	3:08-cv-537	Jane J. Boyle
Plaintiff: Mount Pocono Campground Inc. Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	Northern District of Texas	3:08-cv-563	Ed Kinkeade

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Case Captions	Court	Civil Action No.	Judge
Plaintiff: Charlie Holland Motors, Inc. Defendants: Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Reddy Ice Holdings, Inc.; Home City Ice Company	Northern District of Texas	3:08-cv-576	A. Joe Fish
Plaintiff: The Lanesville Food Mart Inc. Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Northern District of Texas	3:08-cv-607	Jorge A. Solis
Plaintiff: Barranco-Grams Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company; Does 1-100	Southern District of California	3:08-cv-539	Dana M. Sabraw
Plaintiff: Cobblestone Tequesta LLC d/b/a Tequesta Citgo Defendants: Reddy Ice Holdings, Inc.; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company; Does 1-100	Southern District of California	08-cv-656	Janis L. Sammartino
Plaintiff: Champs Liquors, Inc. Defendants: Reddy Ice Holdings, Inc.; Reddy Ice Corporation; Arctic Glacier Income Fund; Arctic Glacier, Inc.; Arctic Glacier International, Inc.; Home City Ice Company	Southern District of Ohio	1:08-cv-179	Sandra S. Beckwith